

**VOLUNTARY PETITION FOR ORDER OF PATERNITY - MOTHER MARRIED
(BUT THE LEGAL HUSBAND IS NOT THE FATHER)**

INSTRUCTIONS

TO COMPLETE THESE FORMS YOU WILL NEED: the notarized signatures of **both** the biological father and mother and of the “**legally presumed father**” as well. You will also need a lab report if you checked “Genetic Testing” in item (6) on the Request.

YOU NEED TO KNOW: “Legally Presumed Father”. By Arizona law (A.R.S. §25-814(A)), if the mother is legally married when the child(ren) is/are born or at any time in the ten months before, the man who is her legal husband of that time is **legally presumed** to be the father, even if he **is not** the actual biological father of the children. No one else’s claim to be the father will be recognized by the Court **unless** the “**legally presumed father**” gives his notarized permission. When these forms refer to “**legally presumed father**”, it means the mother’s legal husband when the children were born or conceived.

1st Form: “FAMILY COURT COVERSHEET” (All Forms: TYPE OR PRINT IN BLACK INK)

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet: ☒ **Paternity.**

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write “**Protected**”; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer’s name and bar number.

Information about the Respondent, the other biological parent: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the name(s), date(s) of birth, and social security number(s) for any minor child(ren) involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both, who are **not** involved with this case, list their names on the lines provided.

Other Court Cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases (except a minor traffic offense) in any other court. If you check the “Yes” box, please describe the case, and give case number(s) and court location(s).

Domestic Violence Section: Answer the questions regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children’s Issues Section: Answer the questions regarding the children you listed on the “**Family Court Cover Sheet**”. This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Location: Check the box to indicate which courthouse location you are filing these documents:
Downtown Phoenix, Mesa, or Surprise.

2nd Form: VOLUNTARY PETITION FOR ORDER OF PATERNITY WITH “AFFIDAVIT OF LEGALLY PRESUMED FATHER”

Match each numbered item in the instructions with the same numbered item on the Request and Affidavit.

- (1) Fill in the name, address, and phone number of the person filing the form.
- (2) List the name of the parent who is filing this document on the line for "Petitioner" and the name of the other parent on the line for "Respondent".
- (3) Leave this item blank. The Court will provide the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) List the name(s) of the child(ren) for whom you want to the Court to issue an **"Order of Paternity"**. If you need to list more children, write in "Continued on next page." Attach that page and label it: "Parents Request for "Order of Paternity" for:" and list the children's names, dates of birth, and places of birth in the same manner as in (5) on the first page.
- (6) Mark the one box that applies to your request. Write in the name of the biological father in the appropriate space, depending on which box you check.
 - **Affidavit of Acknowledgment** -- Mark this box if **both** parents are signing this Request, to tell the Court that you both agree that the man named as father on this request **IS** the father, **OR**
 - **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the biological father.
- (7) IF you want to change the child(ren)'s name(s) on the birth certificates (to add the father's last name or for some other reason), list the current name on the left and list the desired new name on the right. If you need more lines, write in "Continued on next page," attach that page and label it "Parents request for name change" and list the children just as in (6) on the first page (old name on left, new name on right).
- (8) Fill in the information requested for the mother of the children. If the mother does not have a Social Security Number, leave that line blank or write "None".
- (9) Fill in the information requested for the biological father of the children including where the father was born (city, state, and country). If the father does not have a Social Security Number, leave that line blank or write "None".

SIGNING THIS FORM WILL PERMANENTLY AFFECT RIGHTS AND RESPONSIBILITIES OF ALL PARTIES.

READ THE "IMPORTANT NOTICE" BEFORE SIGNING.

CONSULT A QUALIFIED LEGAL PROFESSIONAL TO HELP YOU MAKE AN INFORMED DECISION AND PROTECT YOUR INTERESTS.

- (10) The biological mother **AND** father must **both** sign the form in front of a Notary Public or Clerk of Court. By signing this form, you are telling the Court, under penalty of law, that the information on the form is true and correct to the best of your knowledge.
- (11) **"AFFIDAVIT OF LEGALLY PRESUMED FATHER" - This is a required form.** Type or print the name of the **"legally presumed father"** who was married to the mother of the child(ren) when the child(ren) was/were born or at any time throughout the ten months immediately preceding such birth. **The "legally presumed father" must sign in front of a Notary Public or Clerk of the Superior Court** consenting to the acknowledgment of paternity filed.

3RD Form: ORDER OF PATERNITY

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Write in the name of the person filing the form.
Write in the name of the other parent on the line below.
- (2) Leave this line blank. The Clerk's Office will supply the case number.
- (3) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (4) For each child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Request
- (5) Fill in the name, social security number and other requested information for the biological mother as listed in Item 8 of the ***"Voluntary Petition for Order of Paternity"***.
- (6) Fill in the name, social security number, date of birth, and place of birth of the biological father.
- (7) If you want to change the legal last name of the child(ren) who are involved in this case because of this paternity order, enter the new last name you want to appear on the amended birth certificate(s).

STOP! Leave the rest of the form blank. Court staff will fill in the rest of the form.

NEXT: AFTER YOU HAVE COMPLETED ALL FORMS, SEE THE "PROCEDURES" PAGE FOR INSTRUCTIONS ON HOW TO FILE.